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ABSTRACT

The national goals and the migrant sections of Title I of Public Law 89-750, Public Law 90-247, and Public Law 91-230 are described in this handbook and guidelines for migrant education. Washington State regulations and the national guidelines pertaining to migrant education are also described. An overview and administrative responsibilities list are presented along with information on the following topics: project development, the Uniform Migrant Student Record Transfer Record, project application, project amendment, basic criteria for approval of projects, and fiscal administration. A bulletin on racial designation on pupil records and instructions for completing the application for migrant education funds under Title I, Elementary and Secondary Education Act, are attached. (PS)

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HANDBOOK & GUIDELINES

MIGRANT EDUCATION

Under Public Law 89-10
As Amended

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PREFACE

This Handbook and Guidelines for Migrant Education contains the national goals and the migrant sections of Title I of Public Law 89-750, Public Law 90-247, and Public Law 91-230. It also contains the Washington State regulations and the national guidelines pertaining to migrant education. The language has been simplified and the format put in a design to facilitate use by school officials, members of the lay public, and parents councils. If the need is great enough, critical parts of the Handbook may be translated into the Spanish language.

Programs being designed for migrant children must follow within the guidelines and conform to the national goals. Please take special note of the requirements for parents council participation, for planning and implementing the programs and provision necessary for program evaluation.

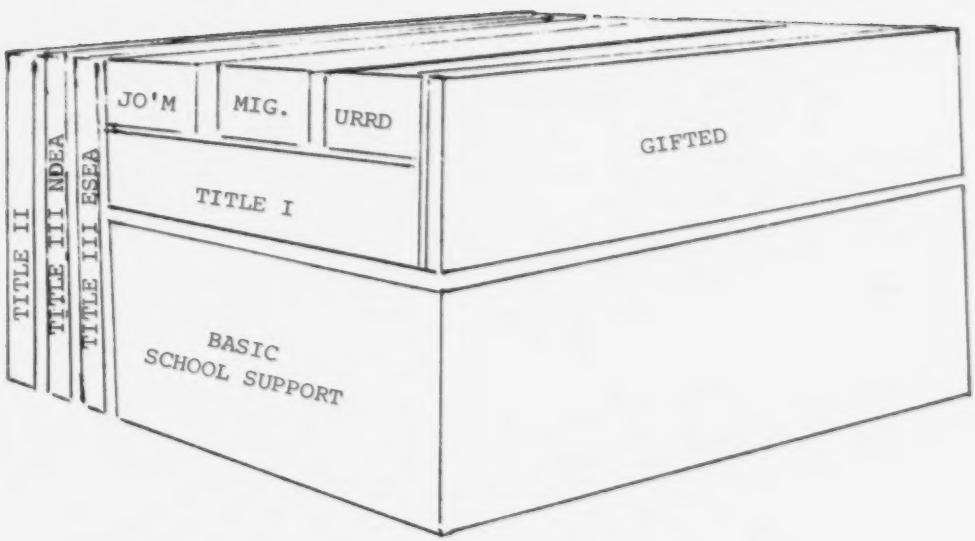
COMPLIANCE WITH TITLE VI, CIVIL RIGHTS ACT OF 1964

DISCRIMINATION PROHIBITED ---- Title VI of the Civil Rights Act states: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance." The Title I, migrant education program of the Elementary and Secondary Education Act of 1965, like every program or activity receiving financial assistance from the Department of Health, Education, and Welfare, must be operated in compliance with this law, and with the rules, regulation and orders thereunder issued by the Secretary and signed by the President published in 45 CFR Part 80 to implement it.

C O M P A R A B I L I T Y

When a migratory child is attending school in a district in which Title I comparability rule is in effect, he will, of course, receive all benefits accruing from this rule. If this school is also funded by the AEA from Title I Migrant Program, the child will receive supplementary services over and above those provided to other students. Comparability rule will probably not apply in summer projects.

How Grants Monies Can Be Spent In Relationship To Basic School Support



NOTE: No attempt was made to put these figures in proportion to the amount of money spent in each category. The important point is that migrant children qualify to participate in the Basic School Support and Regular Title I. If there are still unmet needs, migrant funds should be used to meet those needs. Migrant children may, of course, benefit from the gifted fund, URRD, Title II ESEA, Title III ESEA, and Title III NDEA.

DEFINITIONS AND PRIORITIES OF MIGRATORY CHILDREN AS APPLIED TO PUBLIC LAWS 89-750 AND 90-247

Definitions And Priorities -

In order to provide consistency in the identification of migratory children, the following definitions are to be applied by all LEA's with migrant projects:

A. Interstate - A child* who has moved with a parent or guardian within the past year across state boundaries in order that a parent, guardian, or member of his immediate family might secure temporary or seasonal employment in agriculture or in related food processing activities. The term refers to a child who is expected to continue to migrate with his parent or guardian.

B. Intrastate - A child* who has moved with a parent or guardian within the past year across school district boundaries within a state in order that a parent, guardian, or member of his immediate family might secure temporary or seasonal employment in agriculture or in related food processing activities.

C. Formerly Migratory (Five Year Migrants) - A child* who has been an interstate or intrastate migrant as defined above but who along with his parent or guardian has ceased to migrate within the last five years and now resides in an area in which a program for migratory children is to be provided.

* Preschool to grade 12.

LEA's with migrant projects should be well aware that the interstate and intrastate migratory children, not the formerly migrant children, are counted in determining the amounts of Title I funds to be allocated to the LEA's for projects for migratory children. For that reason and in view of the requirement that projects provided with such funds be "designed to meet the special educational needs of migratory children of migratory agricultural workers," currently migratory children must be the primary beneficiaries of such programs.

In no case should Title I migrant funds be used to provide programs solely for formerly migratory children. It is the responsibility of the LEA's with migrant projects to insure that its programs are planned and developed and will be operated to meet the needs of currently migratory (interstate and intrastate) children and that the participation of formerly migratory children will be limited to children who are likely to benefit more from such a program than from participation in other compensatory programs that may be available to them.

The National Goals For Migrant Education

A Legislative Mandate for Migrant Educators:

"To establish programs and projects designed to meet th' special educational needs of migratory children of migratory agricultural workers and to coordinate these programs and projects with similar programs in other states."

National Goals -

Migrant education is unique in the country. It is a national program. Because its scope is national, some direction is necessary to unify and strengthen the efforts of the states. Therefore, national goals which preserve the integrity and creativity of the states can give the needed direction to formulate, in each respective state, the action steps necessary to meet these goals. Each state plan for the education of migrant children should incorporate these eleven components as fundamental to every program, with varying degrees of adherence as to the local needs may mandate. In translating national goals into action at the state and local levels, what happens to the migrant child is of prime importance.

Instructional Services -

1. Provide the opportunity for each migrant child to improve communications skills necessary for varying situations.

2. Provide the migrant child with preschool and kindergarten experiences geared to his psychological and physiological development that will prepare him to function successfully.

3. Provide specially designed programs in the academic disciplines (Language Arts, Math, Social Studies, and other academic endeavors) that will increase the migrant child's capabilities to function at a level concomitant with his potential.

4. Provide specially designed activities which will increase the migrant child's social growth, positive self-concept, and group interaction skills.

5. Provide programs that will improve the academic skill, prevocational orientation, and vocational skill training for older migrant children.

6. Implement programs, utilizing every available federal, state, and local resource through coordinated funding, in order to improve mutual understanding and appreciation of cultural differences among children.

Supportive Services -

1. Develop in each program a component of intrastate and interstate communications for exchange of student records, methods, concepts, and materials to assure that sequence and continuity will be an inherent part of the migrant child's total educational program.

2. Develop communications involving the school, the community and its agencies, and the target group to insure coordination of all available resources for the benefit of migrant children.

3. Provide for the migrant child's physical and mental well-being by including dental, medical, nutritional, and psychological services.

4. Provide a program of home-school coordination which establishes relationships between the project staff and the clientele served in order to improve the effectiveness of migrant programs and the process of parental reinforcement of student effort.

5. Increase staff self-awareness of their personal biases and possible prejudices, and upgrade their skills for teaching migrant children by conducting inservice and preservice workshops.

OVERVIEW AND ADMINISTRATIVE RESPONSIBILITIES
OF THE P.L. 89-750 AND RELATED AMENDMENTS

Overview And Relationships -

Overview of Programs: Public Law 89-750, 90-247, and 91-230, Programs of Education for Migratory Children of Migratory Agricultural Workers, are project-oriented, child-centered federal programs designed to initiate, expand, and improve special educational and supplemental services to migrant children. They are not general support programs, or construction, media, or training acts, although these activities can be included as parts of projects, or as individual projects that supplement an existing comprehensive educational program.

P.L. 89-10 Migrant program funds are generally used to stimulate the development of comprehensive quality programs and services, to demonstrate innovative practices and procedures, and to encourage educational reforms which will enhance the learning potential of migrant children. These monies are used to support activities which are in addition to, or go beyond, minimal basic types of programs normally provided for through regular Title I, state, or other monies.

A wide variety of activities can be supported under these titles if such activities are designed to meet the special educational and related needs of the participating migrant children. Approvable projects must meet the size, scope, and quality requirements of the acts, and should be designed to provide concentrated educational services for eligible migrant children in such a manner that an identifiable impact will be realized.

Program Emphasis -

P.L. 89-750 Program Emphasis: Funds are made available under P.L. 89-750 to state educational agency and, through it and under its approval and supervision, to local educational agencies to make possible the provision of educational services to migrant children in local public schools. The act also mandates that to the extent consistent with the number and location of migrant children who are enrolled in nonpublic elementary and secondary schools, provision will be made for participation by such children in programs assisted or carried out under this title. It is clearly the intent of Congress that all migrant children receive appropriate instruction and services wherever they may be enrolled--in state, local, or nonpublic facilities. Since P.L. 89-750 and its related amendments are designed to benefit children and not schools, every migrant child within a state is eligible to receive benefits under one or the other of these legislative provisions.

Relationship With Other Federal Programs For Migrants -

Successful administration of P.L. 89-750 and related amendments programs requires familiarity with their unique policies and procedures. It requires close working relationships between personnel responsible for these programs. It also requires a close working relationship in consonance and cooperation with the administration of Titles I, II, and III of the Economic Opportunity Act of 1964.

Further, successful administration of P.L. 89-750 and its related amendments programs suggests the need to utilize in program design, implementation, and evaluation, the expertise of specialists in the area of migrant education who are staff members of state education departments, state and local colleges and universities, and related state and local agencies and organizations.

States are encouraged to utilize advisory committees in the administration of P.L. 89-750, and to include in the membership of any other advisory committee concerned with activities for migrant children, adequate representation.

Relationship With Title I, ESEA -

There are many similarities between the regular Title I, ESEA, program and the P.L. 89-750. Each is focused on providing direct educational services to children. Each provides for individual state program direction and supervision, requires a meaningful evaluation of each funded project, and stresses project quality.

PROJECT DEVELOPMENT

Steps In Project Development -

The basic steps involved in designing a P.L. 89-750 project are essentially the same as those involved in developing any other type of project proposal. They include: (1) identifying the needs, (2) stating the local objectives within the National Goals for Migrant Education, (3) developing a plan (project) to achieve the objectives, (4) implementing the plan (project), and (5) evaluating the effectiveness of the results.

Identifying The Needs -

1. Identifying the Needs: Identification has two major concerns: (a) the location and diagnosis of children who meet the definitions of "migrant" as defined by the acts, and who, by reason of such disadvantaged conditions, are in need of special educational services, and (b) the recognition of the needs of children who have been identified as "migrant."

Stating The Objectives -

2. Stating the Objectives: An objective is an intent communicated by a statement describing a proposed change in learning designed to meet the learner's needs. It is a statement of what the learner is to achieve or is to be like when he has successfully completed a learning experience.

Clearly stating an objective as an academic or performance achievement makes it possible to evaluate an activity and provide a sound basis for selecting appropriate materials, content, or instructional methods. Carefully defined objectives provide measurements by which a participating student can evaluate his own efforts and organize them into more relevant activities.

The writing of objectives may be facilitated by the following procedure: (1) identify who will be doing the learning and/or working on the objective; (2) identify the academic or performance achievement by name, specifying in behavioral terms the kind of achievement that will be accepted as evidence that the learner has achieved the objectives, and designate the length of time required to achieve these objectives; (3) describe conditions (limitations or restrictions and/or materials or aids) which are present or absent during the time that the learner is being evaluated, to decide whether or not the objective has been achieved; and (4) specify the criterion performance level the learner is to achieve to show he has mastered the objective.

(1) Who
(2) What (behavior)
(3) Conditions (during evaluation)
(4) Degree (acceptable performance level)

Developing A Plan (Project) To Achieve The Objectives -

3. Developing a Plan (Project) to Achieve the Objectives: A Plan to achieve objectives of a project should include a series of specific, clearly described activities and conditions under which the achievement will be expected to occur. These activities should contribute to desired change in children that can be appropriately measured and assessed.

Implementing The Plan (Project) -

4. Implementing the Plan (Project): Once a project has been approved by the State Educational Agency, the critical step of implementation must be taken. Such implementation includes the careful employment of project staff, judicious purchase of equipment and supplies, and the systematic establishment and continuation of the educational environment designed to directly serve the migrant child.

Evaluating The Effectiveness Of The Results -

5. Evaluating the Effectiveness of the Results: Evaluation is inherent in all acceptable project designs; evaluative techniques must be included as part of the application for a grant. It is both (a) ongoing and (b) summary in scope. Ongoing project evaluation begins simultaneously with project implementation.

A careful, insightful summary evaluation should reveal not only if the activity objectives and consequently the identified needs of migrant children have been met through a project, but should also indicate the desirability of instituting subsequent projects, paralleling or modifying one which has been completed.

Steps In Evaluating Project Outcomes -

The steps in evaluating educational outcomes of projects can be enumerated as follows:

Step 1. Definition of educational objectives (preferably in terms of specific units of output) to be achieved through the experience being evaluated. These objectives should reflect the most pressing needs of migrant children.

Step 2. Translation of the educational objectives into academic and/or performance achievement which will be displayed if the objectives are achieved.

Step 3. Identification of situations in which the presence or absence of the achievement can be observed and recorded.

Step 4. Establishment of some type of interpretive device (standard or norm) which can be used in measuring desired growth.

Step 5. Application of the evaluation methods derived from steps 3 and 5 above to all those participating in the program.

Step 6. Analysis of evidence obtained by the evaluation devices in terms of progress toward the defined objectives.

Step 7. Statement of conclusions regarding effectiveness in terms of the extent to which objectives were achieved.

The objectives of proposed projects should be related to specific characteristics possessed by pupils prior to the initiation of the project. The evaluation procedures appropriate for P.L. 89-750, therefore, will involve measuring changes in pupil achievement over a period of time. This means, in most instances, that evaluation procedures will involve obtaining appropriate measurements at the start of a project, during the project period, and at the conclusion of the project. The difference between these successive measurements, if properly selected, will be an indication of change and of the effectiveness of the use of project funds. Consequently, it is imperative that project directors gather baseline data on students when projects are initiated.

Assistance in project design and evaluation is available from the Office of the Superintendent of Public Instruction. Those individuals responsible for or desirous of the development of projects should take advantage of this service and/or utilize available information and research from state and national resources.

Conduct Of Programs And Projects -

Programs and projects funded under the Title I Migrant program may be conducted by the State in three ways: (1) by the Superintendent, (2) contracting with local educational agencies, and (3) contracting with a private nonprofit organization. In all cases, responsibility for the operation and administration of the program is vested with the Superintendent.

THE UNIFORM MIGRANT STUDENT RECORD TRANSFER RECORD

Federal Responsibility -

Title I of the Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended by P.L. 89-750, provides payments to states for programs and projects for migratory children. Part (A) of Section 103 of P.L. 89-750 states:

> "(A)....that payments will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of migratory children of migratory agricultural workers, and to coordinate these programs and projects with similar programs and projects in other states, including the transmittal of pertinent information with respect to school records of such children."

In 1968, the 48 state migrant coordinators voted unanimously to have the U. S. Commissioner of Education set aside funds on an equitable basis for the maximum total of grants available to the states to fund the operation of a Uniform Migrant Student Record Transfer System. Since that time, the U. S. Commissioner of Education sets aside money every fiscal year to fund this operation.

The U. S. Office of Education sent requests for proposals to all 48 State Education Departments to operate and implement the National Data Center for the nationwide Uniform Migrant Student Record Transfer System. The Arkansas State Department of Education was granted the contract, through bid, on June 18, 1969. Since that date, the U. S. Office of Education awards yearly grants to the Arkansas State Department of Education to implement the system. The grants are done through a cost-reimbursable contract. It is the responsibility of the Migrant Programs Branch, Division of Compensatory Education, Department of Health, Education, and Welfare, to approve the contract with the grantee.

State Responsibility -

It is the responsibility of each state or their designated local educational agency to collect information from the individual child and/or his parents or guardians. The data collected is then placed on the Uniform Migrant Student Record Transfer form. This data is then teletyped to the National Data Bank to be stored. Included on a record is school data, health data, testing data, program data, and teacher opinion data. When a migrant student moves into one of the local education agencies in the State, it is the responsibility of that agency to provide key information on the migrant

Uniform Migrant Student Transfer Record -

student to the terminal operator to which the LEA is assigned. The terminal operator will teletype the key information on the student to the Migrant Records Data Bank in Little Rock, Arkansas. If the student has a record established at the Data Bank, the complete record will be printed and sent to the LEA by mail. All critical information on the student will be teletyped back to the terminal within a few hours. In addition to enrolling a student on the data bank, the local education agency has the responsibility of keeping this UMSTR updated at all times.

Any time there is some new information on the migrant student that changes his record in the areas of health, testing (health and academic) and program type, this should be transmitted to the terminal operator so she can update the student's record at the data bank by teletype immediately.

When a student moves out of the LEA district, it is the responsibility of the LEA to withdraw him from the Data Center by teletypewriter through the Records Terminal.

Record Safeguards -

At the national workshop held in Washington, D. C., in December, 1969, the National Advisory Committee passed a resolution for safeguarding the information received to protect the personal privacy of the children whose records are stored in the National Data Center. The resolution reads as follows:

> "The Migrant Records Data Center of Little Rock, Arkansas, by request, will make available to state educational agencies data on individual migrant children plus summary data that may be appropriate in connection with the educational program for such children. In accordance with state laws, educational agencies will be responsible for safeguarding the information received to protect the personal privacy of the children whose records are stored in the Data Center.
>
> "The Migrant Records Data Center, upon request through the respective state educational departments, will make available to local educational agencies data on individual migrant children and such summary data as may be appropriate to be used in connection with the educational programs for such children.
>
> "Statistical summary data only will be made available upon request by the Office of Education for program purposes."

The information placed in the National Data Center in Little Rock, Arkansas, will be extracted from the Uniform Migrant Student Record Transfer System only upon request from the proper authorities, through a coded system.

PROJECT APPLICATION

Application For Project Monies By Local Education Agencies -

If the State Educational Agency decides to operate educational programs for migratory children through local educational agencies, federal funds under P.L. 89-10 as amended may be made available through the submission of a project application (OE Form 4389-3 or another appropriate form) to the State Educational Agency. The project applicant, by means of the application form, indicates the children to be served, the nature and design of his intended project, and the objectives to be attained, and provides necessary statistical and fiscal data relevant to the proposed activities. Each project should come within the parameters of the State's plan and goals for educational services to migratory children, as specified in its "Application for Program Grant" (OE Form 4389), and satisfy all the criteria for approvable projects.

When duly completed with appropriate signatures, assurances, and budget, and approved by the State Educational Agency, the application constitutes a formal agreement between the individual applicant and the State Educational Agency. The application form has been designed as an instrument through which project data can be reported, stored, and subsequently retrieved as needed. From this data, the Bureau of Elementary and Secondary Education prepares national and state program information for Congress and the general public.

Cooperative Agreements -

When two or more state educational agencies desire to cooperate in the sponsorship of a given project under the funding of P.L. 89-10 as amended, the agreement should indicate the designated administrative and fiscal agent for the project together with the number of migratory children to participate in the project, and the proposed source and amount of funds authorized for expenditure by the agency. Certification of each cooperating agency should also be given, indicating the number of migratory children (for whom the cooperating agency is responsible for providing educational services) to participate in the project, and the source and amount of funds to be provided by the agency for the purpose of the project. The cooperative program will be described fully in the "Application for Program Grant" and signed by all cooperating state educational agencies.

PROJECT AMENDMENT

Amendment -

It is important that as much detailed information as possible about each anticipated expenditure be submitted with original applications. Give exact beginning and ending dates, specific types of staff assignments, and costs, types, and models of equipment, etc. This type of detailed information prevents misunderstandings and questioning of expenditures when audits are made.

Deviations from the approved application must be authorized by the state agency in the manner specified, by submission of an entire application, identifying the earlier approved project and giving complete information about all items except those which are unchanged from the original application. Whenever there is a substantial change in one or more of the proposed project activities, an amendment must be submitted before the modifications can be made. Amendments should be submitted to the State Educational Agency for approval as soon as such changes are contemplated.

PROJECTS - DEFINITION AND PERIOD

Programs And Projects Defined -

The terms "programs" and "projects" are often used interchangeably to describe activities that may be funded under P.L. 89-10 as amended. These terms, however, have more specific meanings as they relate to the administration of the Title I Migrant program.

Program: The term "program" means an over-all plan with respect to funds made available under P.L. 89-10 as amended during a fiscal year to provide educational services to migratory children within a state and described in the state's "Application for Program Grant" (OE Form 4389).

Project: The word "project" is used in a more circumscribed way to mean an activity, or set of activities, supported under P.L. 89-10 as amended which is designed to (a) provide special educational services directly to migrant children, or (b) supplement an existing educational program in which such direct services are provided.

Project Period -

P.L. 89-10 as amended projects may be approved and conducted at any time from September 1 of the fiscal year from which funds are to be utilized, and until August 31 of the next fiscal year.

Basic Criteria for Approval of Projects

Basic Criteria -

In order to assure that the intent of the act is met, each P.L. 89-10 as amended project should meet the following criteria before it is approved for funding.

Direct Instructional Services -

1. Special Educational Services: Each project should provide, within itself or within the educational program which is supplemented by the project, direct instructional services to eligible migratory children.

Expected Change -

2. Objectives: Major objectives of the project should be stated in terms of expected changes in the achievement and performance of a specified group of migratory children.

Impact -

3. Size, Scope, and Quality: Projects shall be of sufficient size, scope, and quality to assure substantial progress toward meeting identified major needs of participating children.

Relationship To Other Programs -

4. Coordination with Local, State, and other Federal Efforts: Each proposal should specify the nature and extent of coordination with local, state, and other federal programs and agencies which has been effected in the development of the program, and which will take place in the project itself, if approved.

Relate Evaluation To Objectives -

5. Evaluation: Each project must contain provision for evaluation. Projects that provide within themselves direct instructional services should be evaluated in terms of the impact of such services on the educational achievement of the children served, and in terms of other major project objectives. Projects that do not provide direct instructional services within themselves should be evaluated in terms of their impact on the instructional services of the program which is supplemented by the project, as well as in terms of other stated project objectives.

   Importance of Evaluation: It is important to know what is happening or has happened as a result of the expenditures of effort and money. Evaluation is important to those who conduct the project as part of their ongoing efforts to achieve their goals and to keep educators and members of the community apprised of educational developments.

Evaluation (continued) -

Evaluation is an ongoing process, done periodically and consistently if a cause-effect relationship is to be identified between what the teacher does and how the student responds. Evaluation reinforces good teaching by identifying what teaching procedures and materials yield the greatest benefits. The greatest beneficiaries of effective evaluation are therefore the teachers and students concerned.

Who Is Responsible For Evaluation? -

Responsibility for Evaluation: Local educational agencies must assume responsibility for evaluation. Elaborate research-oriented assessment of pupil changes, and attainments in individual projects are not required. However, systematic procedures must be presented which go beyond casual teacher observations to indicate the impact of services on the migratory children involved in every approved project.

The employment of specialists in evaluation from institutions of higher learning, regional educational laboratories, and State and local departments of education is encouraged. A relatively small investment of money and staff time in evaluation which leads to more effective practices can earn substantial dividends.

Spread The Good Word! -

6. Dissemination and Reporting: The manner and extent to which information about the project will be communicated to others shall be specified, and assurance given that the applicant will make such reports as are required by the state educational agency.

The most exemplary programs and projects, the best evaluation instruments and methods, and the most promising research findings may have only limited effect if they are known only to those directly involved in their discovery or application. Dissemination of information about successes and failures of project activities will increase and speed the impact of this program in special education for migrant children. A wide variety of dissemination media should be considered, such as: newspapers, radio, television, magazines, professional journals, and newsletters.

Transport Good Projects -

Organized and planned observations of model demonstration projects and programs, lectures, workshops, inservice education, and participation in national and regional conferences of professional organizations are other approaches to dissemination which are encouraged. Demonstrations of new and instructional techniques and materials within schools and classrooms throughout the local district, region, or State have been found very effective in encouraging replication.

"Before and after" pictures, slides, and movies often help capture the spirit as well as the substantive results of many projects. Emphasis should be placed on the dissemination of information that can be related to the assessment of needs and to project design and implementation of projects.

It is expected that all applications will include descriptions of plans for the dissemination of information about each major activity provided in migrant education.

Objectives - All major objectives to be met through a migrant education project must be clearly and realistically stated in terms of the types of changes that are sought for the participating children and the degree of change that is expected by the end of the project period as a result of each major activity.

Be Specific In Objectives - Where appropriate, reference should be made to evaluations of similar activities carried on with the same project during preceding years, the changes that have been made as a result of such evaluations, and the types of improved performance expected by the end of the new project year.

Project objectives should be stated as <u>precisely</u> as possible, <u>before</u> the projects are initiated, so that evidence of change may be systematically measured or observed and recorded. The specific plan to achieve the stated objectives of the project should (a) include a detailed description of each major activity, and (b) focus on the precise resources, methods, and procedures to be employed in carrying out the activity, including staff and inservice training requirements, facilities, equipment, and materials.

Impact On A Few Vs. Fragmentation - <u>Size, Scope, and Quality</u>: The basic purpose of the size, scope, and quality requirement is to ensure completeness and adequacy of services and activities in terms of meeting the specified objectives of a particular project or program. A project must in many instances be concentrated on the needs of a limited number of children. Some of the most successful projects have narrowed their focus on clearly defined objectives with manageable numbers of children for whom comprehensive services were provided. Minimal, widely dispersed, and fragmentary projects should be avoided in preference to more concentrated, effective projects. In cases where essential services related to meeting the major objectives of the project for those migratory children directly served in the project cannot be secured from other agencies or programs, <u>they must be provided by the project or the educational program which the project supplements</u>.

Types Of Expenditures -

Project Expenditures: Federal funds made available under P.L. 89-750 may be used for such expenditures as are reasonably necessary to carry out an approved project. The program or project expenditures may include a wide range of items such as: salaries, travel, limited construction with prior USOE approval, equipment, stocking and staffing of instructional media centers, training of personnel, rental of office space, and payment of utilities.

Each project or the program it supplements must provide sufficient direct services to migrant children to give reasonable promise of substantial progress toward meeting their special educational or related needs. Only those expenditures which are directly attributable to the migrant education program of the state educational agency are to be included in the application.

Payment To Principals And Supervisors -

Project Personnel: In analyzing specific situations where P.L. 89-750 funds are requested for a principal or supervisor, the underlying question that must be answered is whether or not the school principal involved was in fact free to accept employment of any kind at the times for which he claims he was working on project duties. It should be demonstrated that the principal was contractually free of other responsibilities at the times he undertook P.L. 89-750 duties. The burden of proof in the case of school principals rests with the authorized representative of the State educational agency, local educational agencies, or the participating school.

Do Not Supplant -

If, for example, the principal worked during the summer to supervise P.L. 89-750 program activities, and it is clear that he was free to accept employment in this capacity at that time, then the added expenditure for his services can be paid for from P.L. 89-750 funds. The principal who is relieved of his part-time teaching duties to devote a specified amount of time to P.L. 89-750 responsibilities, may also be paid from P.L. 89-750 funds.

Payment from P.L. 89-750 funds ordinarily does not mean an increase in salary--only a new source of remuneration for that portion of the principal's activities devoted to the project. It should be understood, however, that the school, in order to maintain its regular program efforts, would be expected to provide another teacher to take over the part-time teaching duties relinquished by the teaching principal.

Payment To Beneficiaries Under Other Federal Programs -

There is no objection to hiring personnel who receive compensation under another federal program for the purpose of conducting P.L. 89-750 projects, provided that such employment does not interfere with the grantees' obligations nor act to reduce the benefit which the grantees were receiving under that program. Where staff members are shared between P.L. 89-750 project activities and other nonproject functions funded from another source, the administrative control of such personnel during the time they are assigned to P.L. 89-750 duties must remain with the state educational agency or school conducting the project.

Payment For Training Of Personnel -

One of the major problems confronting educators responsible for initiating, expanding, and improving services to migrant children is the shortage of qualified personnel. Since training of personnel is considered essential to the success of P.L. 89-750 programs and projects, use of funds from these acts is encouraged. It should be noted, however, that P.L. 89-750 is not oriented toward general improvement of manpower resources in migrant education, but rather to the adequate training of project staff. In the preparation and strengthening of teachers of migrant children, use of funds from other federal programs such as Title I of P.L. 89-750 is suggested, as well as state and local funds.

Personnel who may be trained under P.L. 89-750 include: teachers, teacher aides, and other personnel considered essential to the success of the program. The training of teacher aides is a requirement whenever untrained aides are employed in a P.L. 89-750 project. Training of teacher aides should be done with specific standards set regarding certification and qualification. Projects that include the purchase of equipment should provide for inservice training of project staff in the use of such equipment, or give an assurance that personnel employed by the project have expertise in the use of the requested equipment. Whenever feasible and appropriate, institutions of higher education should be involved in planning and conducting training activities and in evaluating the impact of such training.

Varied Ways To Train People -

The basic types of training which are possible under P.L. 89-750 are: workshops and institutes, summer coursework, and evening and Saturday classes during the academic year. Training activities may be provided as a component of a project which includes direct instructional services, or as a component of a project which does not include within itself direct instructional services but which supplements a program providing such services.

State educational agencies conducting projects under P.L. 89-750 may hire and pay personnel to carry out the training activities and may also pay trainees on the basis of the amount of time they spend in these activities. Payments to personnel on the basis of time spent in training, either during the school year or during the summer, generally should not exceed the amounts commonly paid for such training activities funded through the U. S. Office of Education.

Stipends

Payment may be made to trainees or on their behalf to institutions of higher education for tuition and fees for courses whether or not college credit is granted, provided they will enroll in courses related to migrant education and will be employed in migrant education programs.

Payments To Students In Projects -

Projects may provide for the payment of wages for work satisfactorily performed by students. An example of such a project would be one in which migrant students, being taught in a work study project, actually work an hour or more each week day.

Day Care Services -

If a preschool program is part of the educational program for migratory children, then day care for children who are too young to actually participate in such a program may be included provided that the SEA application shows:

Day Care Under Limited Circumstances -

1. Documented evidence that the proposed day care center is necessary to release older children to attend classes but not to work.

2. Documented evidence of the effort to obtain other sources of funding in line with Title I regulations; e.g., Public Assistance, church groups, private, and other public organizations. Other day care programs must not be supplanted.

3. Documented evidence that the older migratory children (preschool and above) will actually participate in the Title I Migrant Program.

Parents Councils -

Parental Involvement: Every effort should be made at the local level to involve migratory parents in the planning, implementation, and evaluation of these projects. No project will be approved unless evidence accompanies the application that such councils are established and involved. Parents who were at least former migrants, and who are residing in the areas to be served by the project, must constitute more than a simple majority of the council members.

In order that the advisory council is truly representative of the community being served, these guidelines will be followed when organizing and maintaining parents councils.

1. The school board decides how many members will be on the parents council and makes the appointments.

2. More than half the members are to be at least former migrant parents.

3. The parents representatives are to be nominated by the parents of the migrant children participating in the project, or former local migrants.

4. One member is to be appointed by and represent the school on the committee. This person should be a principal, teacher, aide, or someone who works closely with the project.

5. Other members of the committee should be from such other agencies as Health, Public Assistance, employment, business, farm, community action, religious, parent-teacher, etc.

6. All agencies nominate their members for appointment to the council by the school board.

7. A list of the council members and their representative status must accompany the project application.

8. Evidence of involvement in planning in the form of minutes or some other tangible means must accompany the application.

Title I migrant funds may be budgeted and expended to meet the expense which parents councils incur.

Purchase Of Equipment -

Expenditures for Equipment: Expenditures for equipment can be justified when (1) it is established that the equipment is essential to the provision of services to migrant children, and (2) the applicant has a staff trained to use the requested equipment or has made provision for adequate staff training in the use of such equipment. All projects providing for purchase of equipment must also provide direct instructional services to participating migrant children either as a part of the project or as a part of the program supplemented by the project.

Local Project Applications And State Migrant Funds Applications Including Equipment Purchases -

Requests for project funds to purchase equipment must be included in a project application or amendment. Approval of the project by the state educational agency, and the obligation of funds for the desired equipment must take place by June 30, twelve months following the beginning of the fiscal year from which funds are requested. It is expected that every effort will be made to obtain the project equipment at such time during the course of the project that it can be effectively used for the purpose for which it was intended. Equipment may be shifted by the SEA from project to project when the needs change.

Expenditures of any kind which are not covered by an approved application or an approved written amendment to a project, including those for the purchase of equipment, are not permitted, and, if made, must be disallowed at the time of an audit.

"Bargain" Prices For Equipment And Materials -

When special "bargain" prices or "free" pieces of equipment are offered to participating local educational agencies or schools in the process of procuring equipment or supplies, the financial advantage gained must be reflected in the P.L. 89-750 purchase price. Monies under these titles may be used only for the part of cost represented by the total pieces of equipment received and used for project purposes. Local educational agencies will have to pay their share for the "free" pieces used for other purposes.

Reimbursement Or Bonus For Equipment Purchases -

When rebates, discounts, or bonuses are given to a local educational agency or participating school in the purchase of equipment under P.L. 89-750, such arrangements should properly reduce the price of these articles in their initial presentations. To the extent that there is reimbursement of any kind to the purchasing local educational agency, there has not, in any realistic sense, been an expenditure.

Use Of Equipment - Project equipment may be used in schools that are eligible for projects provided it is used for the same purposes for which it was originally intended and approved.

Repair Of Equipment - Repair of equipment is an authorized project expenditure. It is expected that proper care and maintenance will be exercised in the case of equipment purchased through project monies, however, in order to minimize expenditures for repairs.

Exchange Of Equipment - Equipment purchased with project funds may be exchanged, in any appropriate manner, for more recent models as long as the use of the new equipment remains the same as that of the old equipment. However, if at any time that equipment is no longer used for the purpose for which it was purchased, the federal interest shall be determined and reimbursement made to the Federal Government.

Replacement Of Equipment - Requests for approval of replacement equipment should be kept to a minimum and should be studied just as carefully as requests for initial equipment. It is permissible to trade previously purchased equipment for like equipment if the new item is to replace the one traded in.

Disposition Of Equipment: Sell Or Release - There is a continuing federal interest in equipment acquired under P.L. 89-750 for the duration of the useful life of such equipment. If for any reason the equipment is sold before the end of its useful life, its value is to be taken into account and either be deducted from the next year's entitlement, or refunded to the Federal Government. Equipment no longer used in migrant programs must either be sold and the money returned to the Federal Government, or released to the SEA for placement in another project.

Insurance For Equipment - Where local educational agencies and participating schools carry insurance against theft, fire, and vandalism, items purchased under project funds normally will be included automatically under the terms of such insurance. If equipment purchased is not covered by such a policy, expenditures for suitable insurance is permitted under these acts. In the case of uninsured equipment purchased from project funds, the grantee shall be held liable for any loss or destruction through negligence on his part.

Inventories Of Equipment - Local educational agencies inventories of equipment shall be maintained for the useful life of the equipment. When inventoried equipment is sold or rental income is received as a result of the conduct of an approved project, such proceeds should be credited to the Federal Government.

Construction Expenditures -

Expenditures for minimal construction are allowable under P.L. 89-750 after prior approval by USOE if it is established that such expenditures are essential to the success of a project or program providing services to migrant children.

Specific federal restrictions have not been established as to the percentage of a project's budget which can be devoted to construction or remodeling. The State Education Agency will review all construction components in proposed projects in view of state-imposed limitations, projected state building plans, and the identified needs of the project under consideration.

The SEA will not approve projects involving construction which would lead to, or maintain, the cultural or linguistic isolation of children; for example, the construction of school facilities for the education of Spanish-speaking migrant children, or for the instruction of Negro or American Indian migrant children.

Obligation And Expenditure Of Construction Funds -

Projects which include construction must be approved by the State Education Agency by June 30 of the fiscal year in which the grants are made. Construction contracts may be let within a reasonable period of time following this date, taking into consideration the nature of the program or project to be served by the construction and the magnitude of the construction to be undertaken. In any event, such contracts must be let no later than June 30 of the fiscal year in which the grant is approved. Obligations should be liquidated within a reasonable length of time following the letting of the construction contract.

Increase In Construction Costs Over Approved Amount -

When the State Agency approves a project requesting construction expenditures for a stated amount, only to find, when bids are let for such construction, that the lowest quoted amount is in excess of the project-stated amount, the agency approval means the total amount necessary for the approved construction, providing the difference in cost is due to labor costs and other unforeseen circumstances, and that an amended project budget is approved. The increase in expenditure should be taken from the same year's appropriation as that from which the approved project money is taken, but, of course, the State Agency cannot exceed its total allocated funds.

Religious Instruction -

None of the funds made available under P. L. 89-750 may be used for religious worship or instruction.

Pupil Transportation -

P.L. 89-750 regulations permit expenditures for transportation of migrant pupils under certain conditions. Ordinarily, the transportation involved is that of pupils from the campsite to their school and to such educational sites as museums, places of historical or scientific importance, or the location of off-campus project activities. State agencies that receive P.L. 89-750 allocations have considerable discretion in determining what activities may be included in a project. However, all such activities need to be evaluated in terms of how they contribute to the project's child-centered objectives, and how they meet the basic project requirements.

As with expenditures for equipment, usually pupil transportation funds are requested as components of projects, with direct services to migrant children being provided through other project funds. It is possible, however, for a project to consist wholly of expenditures for equipment, pupil transportation, or construction, if such an expenditure is essential to the success of a given project, and providing that project supplements a program which does provide direct instructional services to migrant children.

Assurances -

Other Project Requirements: Each P.L. 89-750 project application should include a number of specific assurances (as required in page two of the application form, OE Form 4389) including those relating to: (1) public control of funds and property derived from these federal programs and the application of such property and funds only for the purposes for which they are granted, (2) project reporting, (3) compliance with Title VI of the Civil Rights Act of 1964, and (4) construction.

Compliance With Title VI Of The Civil Rights Act of 1964 -

All local educational agencies and schools are required to be in compliance with Title VI of the Civil Rights Act of 1964, if their children are to participate in approved projects.

All agencies and participating schools operating summer preschool and other summer programs must do so without segregation or any form of discrimination. If a local education agency or school plans to conduct the same or similar activities at more than one location, an evaluation must be made to determine whether this separation is justified on some basis other than the maintenance of segregation.

Additional information about civil rights compliance requirements is available from the State Superintendent.

Conformance With State Policies And Regulations -	All P.L. 89-750 projects must be approved by the State Educational Agency. Accordingly, each project must conform to state standards established by state law or accepted as common practice for educational programs; for example, staff qualifications, teacher-pupil ratios, curriculum content, provision for safety of students and staff, etc.
Regulations On Copyrights -	Copyright and Patent Regulations: Federal regulations permit the obtaining of a copyright on materials, publications, or films, produced through a project funded under P. L. 89-750. However, the Federal Government shall be granted a nonexclusive, irrevocable, royalty free license on all such copyrighted materials, for the purposes of reproduction or publication. Permission is also held by the Government to sublicense the reproduction or publication of such materials for governmental purposes.
Regulations On Patents -	It is the intent of law that inventions developed through or as a result of P.L. 89-750 projects be made widely, promptly, and freely available to the government, to science, to industry, research workers, and to the general public. This availability can generally be adequately preserved by the dedication of such an invention to the public. In some cases, however, it may be advisable to permit the obtaining of a private patent covering the invention, in order to make an adequate commercial development of a new invention widely available. Accordingly, an invention arising out of the activities assisted by P.L. 89-750 funds shall be promptly and fully reported, and shall provide that the ownership and manner of disposition of all rights in and to such invention shall be subject to determination by the Assistant Secretary, Health and Scientific Affairs, of the United States Department of Health, Education, and Welfare.
For Project Approvals -	Obligation of federal funds will occur when the State Agency gives written approval of a project and assigns a project number. All projects to be financed with funds appropriated for a particular fiscal year must be approved by the State Agency by June 30 of that fiscal year.
Obligation Of Funds At Project Level -	All local educational agencies or private nonprofit agencies operating an approved Title I Migrant project are required to maintain an accounting of Title I Migrant funds on an obligation basis. Title I Migrant funds shall not be available for obligation by a local educational agency or a private nonprofit agency for a project prior to the effective written date of approval by the State Educational Agency.

Obligating documents may be issued during the months of July and August of the next fiscal year provided they are permitted under the projects approved, are for services and activities to be carried out prior to August 31, and are charged to the fiscal year in which the project was approved. Thus, local obligating documents for items within an approved project budget may be issued during the two months after the end of the fiscal year in which the project was approved. This will permit financing of summer projects with grant funds available for the year in which the project is approved. Obligating documents for construction may not be issued later than August 31 of the following fiscal year, and must be liquidated within a reasonable time considering the nature of the project.

Liquidation Of Obligations -

Obligations entered into by state agencies, local educational agencies, or private non-rofit agencies shall be liquidated prior to the end of the fiscal year following the fiscal year in which such funds are made available, unless prior to the end of the fiscal year the State Educational Agency determines that the time for so liquidating specific obligations (such as those for construction) should be extended, and notifies the U. S. Commissioner of Education of the extension.

Private School And Civil Rights -

Nonpublic schools must be in compliance with the Civil Rights Act of 1964 in order to participate as a school in a P.L. 89-750 project.

FISCAL ADMINISTRATION

Accounting Basis To Be Used -

Accounting of Funds: The use of funds by participating agencies and schools will be determined on the basis of documentary evidence of binding commitments for the acquisition of goods or property, for the construction of school facilities, or for the performance of work; except that travel, services performed by public utilities, and rental of equipment and facilities shall be based on when such travel was performed, such services were rendered, and such equipment and facilities were leased.

Records Of Project Transactions -

Maintenance of Records: It is necessary that the participating school or agency maintain some type of record of transactions for each approved project. Important items to remember are:

1. Entries must be made daily as the transactions occur.
2. A separate record must be maintained for each numbered project.
3. A separate accounting must be maintained for fund receipts and expenditures pertaining to each fiscal year. Much care should be exercised to account fiscal transactions to their proper funding year, particularly when current fiscal year expenditures are occurring simultaneously with expenditures of funds carried over from a previous year.

Documentation Of Receipt Of Material And Equipment Purchased -

Although in many cases formal receiving reports are not necessary, there should be at least a notation on the invoice that such materials or equipment were received in good condition and in the quantities indicated on the invoice.

Participating School Or Agency Audits -

Audits: All financial activities under these programs are subject to audit.

Project expenditure records shall be audited either by state auditors or other appropriate auditors. Such audits may be done as a regular part of the school or agency audit procedures prescribed by state laws or regulations. School and agency audit programs should be developed in accordance with generally accepted auditing standards,

with due consideration for federal policies governing the use of grant funds as well as state or local policies and procedures. The audit report should include separate financial schedules or statements identifying receipts and expenditures applicable to each specific project with appropriate certification as to the truth of the report.

Reports and workpapers of audits shall be available for review by appropriate state and federal auditors and should include a description of the method and extent of tests, examinations, and other techniques used in making the required verifications.

Special Audit Considerations -

For audits of participating schools and agencies, it is essential that specific audit procedures be developed to verify that:

1. Funds disbursed by the authorized school or agency were received and properly accounted for.

2. Payments reported by the school or agency were actually made to the vendors, contractors, and employees, and that they conform to applicable laws and regulations, including procurement requirements.

3. Obligations reported were actually incurred during the period for which the project was approved and, upon liquidation, were properly adjusted.

4. The same item is not reported as an expenditure for two fiscal years; e.g., obligation in one year and payment in another.

5. All obligations claimed for federally supported projects were made for properly approved projects and are easily identifiable with these projects.

6. State Educational Agency rules applicable to equipment records and control were followed.

7. Costs, such as salaries, travel, etc., were correctly prorated.

8. The source of funds expended for federally reimbursed projects were stated correctly, and that the same expenditures were not claimed under more than one federal program.

9. Unexpended or unearned federal funds advanced or overpaid were returned promptly or otherwise correctly accounted for.

10. If the local agency is on a fiscal year different from the federal fiscal year, the audit report reflects outstanding obligations in sufficient detail to permit identification of subsequent payments.

11. Such obligations should be compared with reports submitted by the participating schools and agencies to the State Educational Agency.

The audit report should be properly certified by the auditor to the effect that the procedures he used to verify and otherwise substantiate his findings are in accordance with the procedures outlined above.

Adjustments Due To Overpayments -

Limitations on the Use of Project Funds: In the event that a participating agency has been paid funds in excess of actual approved project costs, such excess funds should be credited as an advance payment on a current project of that agency, or returned by check to the State Educational Agency. Likewise, any audit exceptions sustained by the State from its own audit finding or by the United States Commissioner of Education from the finding of federal auditors will constitute an overpayment.

Deviation In Utilization Of Project Funds -

Whenever the utilization of project funds is expected to vary over or under the total amount approved for a project, the agency must seek the approval of the State Educational Agency. Deviation in budgeted line items of projects will be permitted by written authority, provided that the intent and direction of the project is not changed. All expenditures in capital outlay must be authorized item by item.

Unexpended Project Monies -

When expenditures for an approved project amount to less than that budgeted, the excess monies are treated according to: (a) the date on which the excess money was determined, and (b) the percentage of the excess money unspent.

Unexpended Monies Within Fiscal Year In Which Project Was Approved -

If it is determined before June 30 of the fiscal year in which a project is funded that a part of the allocated project amount will remain unused, the availability of the excess money should be reported to the State Educational Agency. The State Educational Agency can then: (1) authorize the project applicant to submit a project amendment specifying additional items which will utilize the excess monies,

(2) advise other schools under its supervision that additional funds are available for use and that the agency will entertain the submission by them of initial project proposals or project amendments, or (3) design or amend an agency-level project which will utilize the monies made available.

Sale Of Inventoried Property - All proceeds from the sale of inventoried property which was purchased through P. L. 89-750 funds, the net proceeds from rental of such property, and any income received as a result of the conduct of an approved project shall be credited to the Federal Government.

Grant-Related Income - Grant-related income, such as money received from the sale of copyrighted or patented materials (i.e., the sale of a film which was produced with project funds), may be utilized as follows:

1. If the income is received during the term of the project, the monies may be utilized for project purposes.

2. If the income is received following the term of the project, the monies may be applied to some other project related purpose, or

3. The income may be returned to the Federal Government.

Food And Nutrition Services -

Project writers are referred to the guidelines pertaining to school food services as issued by the Office of the Superintendent of Public Instruction. Also, Chapter 11, Food and Nutrition Service, Department of Agriculture, and Part 210, National School Lunch Program.

The following is quoted from the Federal Register of September 4, 1970, Section 245.1: "Section 9 of the National School Lunch Act, as amended, requires that schools participating in the national school lunch program.....(a) serve lunches free or at a reduced price to children that are determined by local school authorities to be unable to pay the full price of lunches; (b) follow specified minimum criteria in making such determinations under a publicly announced plan; and (c) make no physical segregation of, or other discriminations against, any child because of his inability to pay the full price of the lunch." Section 9 also requires that by January 1, 1971, any child who is a member of a family which has an annual income not above the applicable family size income level set forth in income poverty guidelines prescribed by the Secretary shall serve lunches free or at reduced price. It further provides that, in providing lunches free or at reduced price, "...School food authorities shall give first priority to providing free meals to the neediest children."

Keep Records -

Each state educational agency and local educational agency receiving a grant under Title I of the Act shall keep intact and accessible all records relating to such federal grants or the accountability of the grantee for the expenditure of such grants (1) for 5 years after the close of the fiscal year in which the expenditure was made, or (2) until the state educational agency is notified that such records are not needed for administrative review, whichever is the earlier.

Inventory -

Each state and local educational agency shall maintain an inventory of all equipment it has acquired with funds under Title I of the Act and placed in the temporary custody of persons in a private school. Such inventories shall be maintained until the equipment is discharged from such custody and, if costing $100 or more per unit, for the expected useful life of the equipment or until its disposition.

Keep Inventory Records -

The records of such inventories of equipment shall be retained for a period of one year following the period for which the inventories are required under this section to be maintained.

Upper Elementary And Secondary School Years -	It is in the later elementary and secondary school years that educational deficiencies become most apparent and most difficult to treat. By this time, many of the children are no longer responding in any positive way to their school environment and are well on their way to becoming dropouts. Their academic and behavioral problems are extremely varied and complex and will require the most careful study in order to establish the needs on which an effective compensatory program can be developed. Remedial programs should be built on a thorough consideration of the potential of individualized instruction, tutoring, and personalized guidance services.
Dropouts -	The needs of children who have actually dropped out of the regular school program should also receive specific attention. With the help of other agencies, these children should be located and identified, and every effort should be made to evaluate their educational needs in order to provide a sound basis for the planning of special educational programs to meet those needs.
Bilingual Children -	Every applicant should be aware of the needs of non-English-speaking and bilingual children. Special efforts should be made to meet the needs of these children through Title I or through another program. The strengths of their backgrounds should be utilized in the development of special programs related to their needs. English as a second language must take priority. However, it may best be taught through the understanding of a native language such as Spanish, of which the child already has knowledge and use.
For All Ages, K-12 -	The migrant compensatory program should be based on a consideration of the relative needs of children of all ages and grade levels and designed to meet a limited number of high-priority needs that cannot be met through the regular school program. Programs may be during regular term and/or in the summer months.
Convenience For Participants -	Migrant compensatory education programs must be convenient to the migrant families. The "regular" school building and school hours may not be convenient. Offer the programs where the children live and at the time of day when they can attend. These considerations are especially appropriate during the summer months.

ATTACHMENT A

State of Washington
SUPERINTENDENT OF PUBLIC INSTRUCTION
Olympia

January 8, 1971

BULLETIN NO: 3-71

TO: School District Superintendents, Intermediate School District Superintendents

FROM: Louis Bruno, State Superintendent of Public Instruction

RE: Clarification: Racial Designation on Pupil Records

Questions have arisen from several sources respecting the right and authority of a school district to make racial designations on pupil records. Therefore, the Superintendent of Public Instruction requested of the Attorney General legal advisement concerning this practice. The following data is excerpted from a memorandum from the Attorney General to the Superintendent, to which your attention is presently invited.

> "The United States Supreme Court, in speaking to the problem of classification or designation by race, has stated that at the very least the equal protection clause of the 14th Amendment demands that such requirements be subjected to the most rigid scrutiny, and, if they are ever to be upheld, they must be shown to be necessary to the accomplishment of some permissible national state or local objective, independent of the racial discrimination which it was the object of the 14th Amendment to eliminate. Anderson v. Martin, 375 U.S. 399, 84 S.Ct. 454, 11 L.Ed.2d 430 (1964); and Loving v. Virginia, 388 U.S. 1, 87 S.Ct. 1817, 18 L.Ed.2d 1010 (1967).
>
> "Forms P-105 and S-107, as explained in the Superintendent of Public Instruction's Bulletin No. 122-70, each require a minority group count. The basis for such a requirement is twofold.
>
> "First, under chapter 95, § 7, Laws of 1970 1st ex. sess., the Superintendent of Public Instruction is required to allocate two million dollars for urban, racial and disadvantaged programs. In order to justify expenditure of these funds, it is necessary to determine each school district's need. This in turn requires knowledge of minority student population.

"Secondly, under State Board of Education Regulation WAC 180-30-040 a prerequisite for an allotment of state funds to a school district for construction of school facilities is satisfactory evidence that the proposed construction will not create or aggravate racial imbalance within the boundaries of the school district. To determine this, it is also necessary to have a minority group count.

"It is my opinion that the requirement of classification of minority students on Forms P-105 and S-107 meets the United States Supreme Court's requirement of being necessary for the accomplishment of a legitimate state objective.

"As for Washington state law, the legislature has enacted several statutes dealing with classification by race. The first is RCW 43.01.100 which reads as follows:

> 'The inclusion of any question relative to an applicant's race or religion in any application blank or form for employment or license required to be filled in and submitted by an applicant to any department, board, commission, officer, agent, or employee of this state or the disclosure on any license of the race or religion of the licensee is hereby prohibited.'

"The second is RCW 49.60.200 involving unfair practices of employment agencies. It states that:

> 'It is an unfair practice for any employment agency to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, any individual because of his age, race, creed, color, or national origin, or to print or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination as to age, race, creed, color, or national origin, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.'"

A racial tabulation of school employees would similarly, as with pupils, be justifiable only if such count served a legitimate managerial purpose and is not instrumentalized for purely racial purposes.

Please contact L.O. Griffith (753-2298) or Warren H. Burton (753-2560) should you have any questions or desire additional information.

DIVISION OF CURRICULUM
AND INSTRUCTION

Llewellyn Griffith
Administrative Consultant

Warren H. Burton
Consultant
Equal Educational Opportunity

WHB:kc

ATTACHMENT B

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR MIGRANT EDUCATION FUNDS UNDER TITLE I, ESEA

Page 1 - Certification: Record the date of the meeting of the Board of Trustees when authorization was given to file the application.

1. Carefully estimate the numbers of migratory farm workers' children to be served by the project. "Intrastate" refers to those children who do not move out of the state, but who move across the state during the year. (Please refer to the "Definition of a Migrant Child") Be prepared to document any enrollment figures recorded.

Page 3 - Budget Summary

Administration: Reasonable administrative costs may be claimed, provided services are actually delivered over and above the regular services and regular hours of administrative positions now in existence. Administrative service costs charged to the migrant project must be delivered.

Part I - Code 21: The same rules apply as in other categories of Administration.

Code 25: Only those services being delivered directly to migrant children in the project can be paid for by the project. If staff is shared with other projects or programs, charge only the pro rata share to the migrant project.

Code 27-35: Only those services directly serving migrant children and in a compensatory way can be charged to the migrant project. Regular librarians, librarian aides, and counselors should serve all children, including migrants, enrolled in the school, regardless of what category they are in. If services are being delivered outside regular school hours or by people hired for the specific purpose of serving migrant children over and above the regular program, then the services may be claimed in direct pro rata to the migrant compensatory services rendered.

Code 41: Food Services must be provided in any migrant education projects. However, since, during the regular school year, most food needs are provided through the regular school food program, only costs over and above regular compensation should be charged against the migrant project for food services.

Summer projects, however, will bear the full cost of feeding programs, less compensation for the food which is available from the United States Department of Agriculture.

Code 52: Transportation in regular-term projects should be charged for only when transportation is specifically for migrant children and their compensatory education. Regular bus routes that run whether or not migrants are carried are not to be considered. Summer is the exception.

Code 63: Custodial costs are to be charged only when additional special classroom space is opened and used for the migrant project. A migrant project using only the usual and regular classroom does not constitute compensatory costs, except in summer projects.

Code 73-74: Maintenance and repair costs may be charged for classrooms opened specifically for migrant children, or because of migrant enrollments necessitating use of more than the regular facilities. Summer projects may charge for reasonable costs of maintenance of whatever facilities are used.

Code 80: Community services are those services provided directly to migrant family members. May include needed items of clothing, special programs, information, fiestas, parents' meetings, etc.

Part II - Page 4:

Object 5: Only those supplies and materials that will be consumed or used in the compensatory project may be charged in this category. Supplies and materials ordinarily furnished to children enrolled in the regular school program cannot be paid for with categorical-aid funds.

Object 6: Only textbooks and workbooks to be used in the compensatory project over and above the basic program are eligible in this category. Basic texts and workbooks are not eligible.

Object 7: Arrangements through contractual services may be the most economical way to secure specific services needed to meet the needs of individual migrant children. However, consultants available from the Centers and/or Superintendent of Public Instruction should be used in the capacities of project design, evaluation, and monitoring. Also, inservice education for teachers and aides is available through the Centers. These services are already provided for in the budgets of the Centers and should be utilized by the LEA's.

Medical Services may be provided through migrant funds, but proposals to provide these services should be fully justified on the basis that the resources of other agencies are not adequate to meet high priority needs for these services. The same is true in the delivery of nutritional, recreational, and welfare services.

Utilities and fuel costs are generally not eligible under migrant Title I funds, except when costs occur during the summer project or in connection with specially provided facilities during the regular-term project.

Rental costs of any equipment specifically for use in compensatory migrant education projects are eligible.

Maintenance and Repair of Equipment purchased for and used for only migrant education is eligible under this category.

Object 8: This section should reflect the anticipated costs of operating the Uniform Migrant Student Record Transfer System. However, only the time and costs actually contributed to migrant education and records can be charged to this section.

Object 9: As in all other Title I projects, requests for approval of capital expenditures must be fully justified for use in the migrant education project.

Page 5: Needs must be listed in priority order. Since the Uniform Migrant Student Record Transfer System is mandatory, first priority will be to participate in that system.

Objectives must answer the identified needs and be stated in terms that make it possible to measure the success attained. Generally, objective statements should tell what will be accomplished and to what degree under what conditions.

Page 6: a. The instructional activities to be carried out in order that the stated objectives will be reached should be simply and concisely described in detail.

b. Supportive services may include all those provided outside of the academic aspects of the project. These services may include community and other agency services which can be used to support the migrant project. Many of such services in the school are paid for and are for all children, as are some of those of the community. Only those services that are special and which are categorical in nature are chargeable against the migrant programs and whenever they are delivered to migrant children.

Page 7: c. Training for staff members (self-explanatory).

d. (Self-explanatory)

Page 8: e. List all sites where migrant project will be implemented.

f. (Self-explanatory)

g. (Self-explanatory)

Page 9: (Self-explanatory)

Revised 4/6/71

State of Washington
SUPERINTENDENT OF PUBLIC INSTRUCTION
Olympia

MIGRANT
Form F-225 (4/71)

APPLICATION FOR GRANT - ESEA TITLE 1 MIGRANT
OF PUBLIC LAW 89-10 AS AMENDED
FOR FISCAL YEAR ENDING June 30, 1972

ATTACHMENT C

THIS SPACE FOR SPI USE ONLY	PROJECT NUMBER: County Code	Dist. No.	FY	Proj.	State Project No. _____ State Code _____ Cong. Dist. _____	Total Allocation $_____ Amount Requested $_____
	TOTAL AMOUNT APPROVED $_____ DATE OF APPROVAL _____					
	SIGNATURE OF AUTHORIZED STATE AGENCY OFFICIAL _____					

CERTIFICATION

The applicant designated below hereby applies for a grant of Federal funds to provide instructional activities and services to meet the special educational needs of educationally deprived children as set forth in this application.

I HEREBY CERTIFY THAT, to the best of my knowledge, the information contained in this application is correct; the agency named below has authorized me, as its representative, to file this application, and such action is recorded in the minutes of the agency's meeting held on _____, 19__.

NAME OF APPLICANT (LEA)	ADDRESS(No.,Street,City,State,Zip Code)	COUNTY / CONG. DISTRICT

NAME AND TITLE of Authorized Representative	SIGNATURE of Authorized Representative

NAME AND TITLE of Project Director	ADDRESS(No.,Street,City,State,Zip Code)	PHONE NUMBER

School Term to be Covered by this Application

- ☐ Regular Term Only
- ☐ Summer Term Only
- ☐ Regular and Summer Terms
- ☐ Is this a Cooperative Project ("X" if yes)

DATE SUBMITTED _____

TIME SCHEDULE OF PROJECT:
Beginning Activity Date _____ (Mo., Day, Year)
Ending Activity Date _____ (Mo., Day, Year)

1. ESTIMATED NUMBERS OF MIGRATORY CHILDREN TO BE SERVED IN THE PROJECT BY SCHOOL LEVEL

A. INTRASTATE

1. Prekindergarten	2. Kindergarten	3. Elementary	4. Secondary	5. Unclassified	6. Total (1--5)

B. INTERSTATE

1. Prekindergarten	2. Kindergarten	3. Elementary	4. Secondary	5. Unclassified	6. Total (1--5)

2. SOURCE OF DATA USED FOR DETERMINING THE NUMBER OF CHILDREN FROM MIGRANT FAMILIES:

a)☐ U. S. Census Bureau c)☐ Free Lunch e)☐ Health Statistics g)☐ Employment Stat.

b)☐ Aid For Depend. Ch. d)☐ School Survey f)☐ Housing Statistics h)☐ Other (Specify)

FBA Form 81-R, 4/71

CERTIFICATION FOR PARTICIPATION IN COOPERATIVE PROJECT

to meet the Special Educational Needs of Educationally Deprived Children
under Title I of Public Law 89-10 as amended

1. CERTIFICATION OF PARTICIPATING AGENCIES

Each of the undersigned certifies that, to the best of his knowledge, the information contained in the Application is correct and complete; that the local or State agency which he represents has authorized him to file this Application, and that such authorization action is recorded in the minutes of the agency's meeting held on the date shown below. The participating or intermediate educational agency named below has been designated as the administrative and fiscal agent for this project and is authorized to receive and expend for the conduct of this project Title I funds in amounts not to exceed those shown in Item 3 of this Certification. All Participating agencies have entered into an agreement concerning the final disposition of equipment, facilities, and materials purchased for this project from Title I funds.

A. CERTIFICATION OF AGENCY DESIGNATED ADMINISTRATIVE AND FISCAL AGENT FOR THIS PROJECT

DATE MEETING WAS HELD

LEGAL NAME OF AGENCY	NAME AND TITLE OF AUTHORIZED REPRESENTATIVE
MAILING ADDRESS (St., City, Town, Zip Code)	SIGNATURE
COUNTY / STATE WASHINGTON	TELEPHONE (Area Code & No.) / DATE SIGNED
NAME & TITLE OF CONTACT PERSON	MAILING ADDRESS / TELEPHONE NO.

B. CERTIFICATION OF PARTICIPATING AGENCY

DATE LEA MEETING WAS HELD

LEGAL NAME OF AGENCY	NAME & TITLE OF AUTHORIZED REPRESENTATIVE
MAILING ADDRESS (St., City, Town, Zip Code)	SIGNATURE
COUNTY / STATE WASHINGTON	TELEPHONE (Area Code & No.) / DATE SIGNED

C. CERTIFICATION OF PARTICIPATING AGENCY

DATE LEA MEETING WAS HELD

LEGAL NAME OF AGENCY	NAME & TITLE OF AUTHORIZED REPRESENTATIVE
MAILING ADDRESS (St., City, Town, Zip Code)	SIGNATURE
COUNTY / STATE WASHINGTON	TELEPHONE (Area Code & No.) / DATE SIGNED

D. CERTIFICATION OF PARTICIPATING AGENCY

DATE LEA MEETING WAS HELD

LEGAL NAME OF AGENCY	NAME & TITLE OF AUTHORIZED REPRESENTATIVE
MAILING ADDRESS (St., City, Town, Zip Code)	SIGNATURE
COUNTY / STATE WASHINGTON	TELEPHONE (Area Code & No.) / DATE SIGNED

DATA SUMMARIZATION

2. NUMBER OF CHILDREN TO PARTICIPATE IN THIS PROJECT WHO RESIDE IN EACH AGENCY'S DIST. LISTED ABOVE

CERTIFICATION	NUMBER OF CHILDREN
A	
B	
C	
D	
TOTAL:	44

3. AMOUNT OF TITLE I FUNDS TO BE RELEASED FOR THIS PROJECT BY EACH AGENCY'S DIST. LISTED ABOVE

CERTIFICATION	AMOUNT OF TITLE I FUNDS
A	
B	
C	
D	
TOTAL:	$

(Revised)
Form F-125 (12-71)

State of Washington
SUPERINTENDENT OF PUBLIC INSTRUCTION
Olympia

BUDGET SUMMARY

PROJECT BUDGET
SUMMARY FOR _____
(Federal Title Designation)

BUDGET PERIOD:

Beginning _____, 19___

_____
Name of Agency

Ending _____, 19___

_____
Address of Agency

		SALARIES		Employee Benefits	Supplies & Materials	Books	Contracted Services	Travel	Capital** Outlay	TOTAL EXPENDITURES
		Certificated Obj.1*	Non-Certificated Obj.2&3	Obj. 4	Obj. 5	Obj. 6	Obj. 7	Obj. 8	Obj. 9	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
ADMINISTRATION	100									
INSTRUCTION	200									
ATTENDANCE PUPIL SERVICES	300									
FOOD SERVICES	400									
PUPIL TRANSPORT. SERVICES	500									
OPERATION OF PLANT	600									
MAINTENANCE OF PLANT	700									
COMMUNITY SERVICES	800									
PAYMT. TO OTHER DISTRICTS	900									
NON-WARRANT EXPENDITURES	970									
SUB-TOTAL										

Object codes taken from State Accounting Manual. Use Form F-125-1 to list detailed expenditure categories.

* Capital Outlay is to be limited to that which is essential to the specific purposes and implementation of the project.

ACCOUNT CODE	Remodeling and Facilities Acquisition	
73-9-41	Remodeling (Less than $2,000)	
73-9-41	Remodeling ($2,000 or more)	
73-9-41 73-7-41	Portable Classroom Facilities	
73-9-41 73-7-41	Mobile Classrooms & Service Units	
	SUB-TOTAL	

TOTAL PROJECT BUDGET

(REVISED)
Form F-125-I (12/71)

State of Washington
SUPERINTENDENT OF PUBLIC INSTRUCTION
Olympia

EXPENDITURE DETAILS OF PROJECT BUDGET

School District _____

Expenditure codes should be derived from or consistent with FUNCTION & OBJECTS per Accounting Manual for Public Schools of the State of Washington. Details herein are to be summarized and entered on Form F-125 - BUDGET SUMMARY.

The codes that occur most commonly are prelisted herein; space is provided for inserting position title or designation of type of personal service for unusual situations.

Part I - Salaries and Wages Classification of Assignments	Account Code	Number of Employees				Total Salary	Employee Benefits
		Regular		Summer			
		Total	FTE	Total	FTE		
ADMINISTRATION:							
INSTRUCTION:							
Director & Management	21-1						
Supervisor	21-1						
Clerical	21-3						
Teachers: Designate type of assignment, such as "Regular," "Reading," etc.	25-1						
	25-1						
	25-1						
Released Time	25-1						
Substitute Teachers	25-1						
Teacher Aides	25-3						
Librarian	27-1						
Librarian Aide	27-3						
Counseling	28-1						
PUPIL SERVICES:							
Attendance	32-3						
Guidance	33-1						
Psychologist	34-1						
Health Services	35-2						
FOOD SERVICES - Lunchroom	44-3						
PUPIL TRANSPORTATION: - Drivers	52-3						
OPERATION: - Custodial	63-3						
MAINTENANCE: - Buildings	73-3						
Repair	74-3						
COMMUNITY SERVICES:							
	80-1						
					TOTALS		

Form F-125-I (12/71) (continued)

For ☐ Regular Term
☐ Summer Term only (if separate Project)
☐ Regular and Summer

Part II - Non-Salary Expenditures	Account Code	AMOUNT
OBJECT 5 - SUPPLIES & MATERIALS*		
Audio-Visual Supplies & Materials	22-5	
Instructional Supplies & Materials	25-5	
TOTAL		
OBJECT 6 - BOOKS		
Text Books & Work Books	26-6	
Library Books	27-6	
TOTAL		
OBJECT 7 - CONTRACTUAL SERVICES		
Education Consultants:		
Project Design ____ days @ $____ Per day	21-7	
Evaluation & Monitoring ____ days @ $____ per day	21-7	
Inservice Education ____ days @ $____ per day	25-7	
Other ____ days @ $____ per day		
Maintenance & Repair of Equipment	20-7	
Medical Services	35-7	
Utilities & Fuel	60-7	
Telephone	65-7	
Rental:		
Film Rental	22-7	
Instructional Equipment	25-7	
Building or Space	66-7	
Miscellaneous		
TOTAL		
OBJECT 8 - TRAVEL		
Director	21-8	
Staff & Inservice Workshops	25-8	
Consultants	25-8	
Attendance (Specify)	32-8	
TOTAL		
OBJECT 9 - CAPITAL OUTLAY		
Equipment (Itemize below):		
TOTAL		

* List in generalized categories such as, A-V Materiald (22-5), Food (42-5), Gasoline (52-5), Instructional Materials (25-5), etc.

10-A

Name of District _____

Needs	Number	Instructional Objectives
List by priority the special needs of your migrant students that this project is designed to meet. (Test results; academic; cultural; physical; opinions completed by students, staff, and/or parents; post-high school placement; mobility; honors; dropout; etc.)	Identify number of youth with each need to be served	Based on the list of needs, state by priority the measurable objectives of each major activity or service. (What will be done? To what extent will it be achieved?)
1. Full participation in the Uniform Migrant Student Record Transfer System.		1. Record all data available for each eligible migrant child in the district, including health, academic standing, progress assessment.

5

(Continue on back of sheet, if needed)

A

Name of District _____

ACTIVITY

a. Describe instructional activities as nearly as possible in terms of the measurable and observable objectives set forth on page 5, in order of priority.

b. Describe the supportive services the project will provide to enhance the instructional areas.

(Use more pages if needed)

c. Training for Staff Members: (Funds may be withheld if staff not trained)

1. Preservice Training for Teachers and Administrators:

a. How many have had training? _____ How many hours? _____

* b. Did this include joint training with aides? _____

c. How many aides have had preservice training? _____

How many hours? _____

2. Will joint inservice training be provided for the staff? _____

How trained and how much? -

d. What provisions have been made for participation in the National Student Record Transfer System? How will the records be kept current?

1. Statement of Intent: -

2. Name of person (clerk or secretary) employed and directly responsible for completion and transmittal of records to Terminal - - - - - _____

Amount to budget for this specific activity: (Included on pages 3 & 4)

Salary	$_____	Telephone	$_____
Supplies	$_____	Travel	$_____
Postage	$_____	Inservice	$_____

* Mandatory for funding

11-e - Where will this project be carried out? (Please list schools or other sites.)

f. How are the parents and community to be involved?

1. Parents Committee: Number of members _____ (Attach List)

a. How many times did the Committee meet to plan this project? _____

b. What percentage of the Committee members are from target families? _____

2. Will target family volunteers be used in the project? _____ How many? _____

How will they be used? _____

_____

_____

3. Will the project include community activities such as parents' night, fiestas, pot lucks, field trips, etc., that involve the parents of the students? Please describe.

g. How many of the aides who will work in this program are bilingual? _____

How many are of Mexican American extraction? _____
(If the majority of the migrants being served are Mexican American or Chicano, teachers and/or aides must be from that ethnic heritage if available and qualified to serve.)

Page 9: ASSESSMENT PROCEDURES

a. Indicate how the evaluation procedures directly measure success or failure in meeting the project objectives.

b. Identify the instruments or tests which will be used.

DISSEMINATION EFFORTS

a. Describe the dissemination efforts including date, anticipated audience, purpose, and media.

* SELF-EVALUATION OF PROJECT:

a. The evaluative instrument attached is required to be completed and submitted to the Superintendent of Public Instruction on the last day of the project.

* Mandatory for funding

FBA Form 81-R, 4/6/71

STATEMENT OF ASSURANCES

Name of Chief State School Officer	Name of State Educational Agency
LOUIS BRUNO	SUPERINTENDENT OF PUBLIC INSTRUCTION

THE APPLICANT HEREBY ASSURES THE CHIEF STATE SCHOOL OFFICER THAT:

a. The control of funds provided under this Title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this Title, and that a public agency will administer such property and funds and apply them only for the purposes for which they are granted.

b. The applicant will make an annual report and such other reports to the State educational agency, in such form and containing such information, as may be reasonably necessary to enable the State educational agency to perform its duties under this Title, including information relating to the educational achievement of students participating in programs carried out under this Title, and will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such reports.

c. Check 1 or 2, not both:

1 ☐ The Assurance of Compliance (HEW 441) previously filed with the Office of Education applies to this Application.

2 ☐ The Title I activities conducted under this project during the regular school year in conjunction with regular school activities will be carried out in accordance with the applicable current court order or dessegregation-plan filed with the Office of Education (including modifications filed on Form HEW 441B), and that all other Title I activities will be carried out on a non-discriminatory basis in accordance with the Regulation of the Department (45 CFR § 80.3).

d. The services provided with State and local funds for free public education in the project area will be maintained at levels that are comparable to those for non-project areas and the amounts of such funds expended in the project areas will be maintained at levels that would have been maintained if no projects has been approved for those areas.

e. In the case of construction required for the operation of the project--

(1) The applicant will cause work on the project to be commenced within a reasonable time after receipt of notification from the State educational agency that funds have been allotted and to be prosecuted to completion with reasonable diligence;

(2) The rates of pay for laborers and mechanics engaged in the construction will be not less than the prevailing local wage rates for similar work as determined in accordance with Public Law Number 403 of the 74th Congress, approved August 30, 1935, as amended, under standards, regulations, and procedures prescribed by the Secretary of Labor; and

(3) The applicant will comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to Executive Order 11246 of September 24, 1965, in connection with any contract for construction for which it receives Federal assistance under Title I of Public Law 89-10.

Signature of Authorized Reprensentative	Date

If cooperative project, signature of designated administrative and fiscal agent is required.